

CHAPTER NO. 791

SENATE BILL NO. 3129

By Rochelle

Substituted for: House Bill No. 3132

By White, Kisber

AN ACT To amend Tennessee Code Annotated, Title 16, relative to court information and reporting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-3-803(h), is hereby amended by deleting the word "count" in the last sentence and by substituting instead the word "report".

SECTION 2. Tennessee Code Annotated, Section 16-1-117(a), is amended by deleting in the second sentence the word "statistics" and by substituting instead the word "data".

SECTION 3. Tennessee Code Annotated, Section 16-1-117(a)(1), is amended by deleting the paragraph in its entirety and by substituting instead the following:

(1) Each criminal case shall be assigned a unique docket number. A criminal case in a court of record, except juvenile court, shall be defined and reported as a single charge or set of charges arising out of a single incident involving the same victim(s) concerning a defendant in one (1) court proceeding. An incident shall be all criminal activity occurring within a twenty-four (24) hour period. A court proceeding refers to a single level of court, (i.e., general sessions, circuit, appeals or Supreme Court). An appeal, probation revocation, or other post-judgment proceeding shall be considered a separate case. This definition shall not alter the practice in the Tennessee Rules of Criminal Procedure dealing with joinder and severance of criminal cases. Charges of a related nature shall be defined as charges against a single defendant that may have more than one (1) victim and that are similar such as, but not limited to: burglaries, drug offenses, or serial rape. Worthless check cases shall be defined and reported as all worthless checks filed by the same affiant against the same defendant within a twenty-four (24) hour period with each check counted as a separate charge. District attorneys general shall treat multiple incidents as a single incident for purposes of this statute when the charges are of a related nature and it is the district attorney general's intention that all of the charges be handled in the same court proceeding. If a case has more than one charge or count, then the administrative office of the courts shall count the case according to the highest class of charge or count at the time of filing or disposition for the weighted caseload study based on the formula set out in § 16-2-513(a).

SECTION 4. Tennessee Code Annotated, Section 16-1-117(a)(2), is amended by adding in the next to the last sentence after the word "counted" the words "by the administrative office of the courts".

SECTION 5. Tennessee Code Annotated, Section 16-2-513, is amended by adding the following language as a new, appropriately designated subsection:

(d) The processing of case data by the administrative office of the courts for the purpose of providing the comptroller of the treasury with the information necessary to complete the weighted caseload study shall be subject to audit by the comptroller of the treasury. Any such audit shall ensure that the validation, verification, and compilation of case data are performed in accordance with § 16-1-117(a).


SECTION 6. Tennessee Code Annotated, Section 16-1-117, is amended by adding the following as a new subsection:

() To assist court clerks in reporting the information required by this section and to encourage modernization and computerization of their offices, the revenue from the fee for data entry levied in 8-21-401(e) shall be allocated by the clerk's county for computerization, information systems and electronic records management costs of the clerk's office including, but not limited to, the purchase, upgrade, and maintenance costs of computer equipment, document imaging equipment, and related software and supplies; services, training and personnel costs related to computerization, information systems and electronic records management; and, costs of telecommunications related to computerization, information systems and electronic records management. Such funds shall remain earmarked within the county general fund and shall be reserved for the purposes described in this subsection at the end of each fiscal year. This subsection directing the allocation of these revenues shall be repealed five years after the effective date of the act.


SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 22, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 29th day of May 2002


DON SUNDQUIST, GOVERNOR